

PATENT
OCT 11 2003

PATENT
81839.0142

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Eiichi IINO, et al.

Serial No: 10/695,609

Filed: October 28, 2003

For: SILICON SEED CRYSTAL AND
METHOD FOR PRODUCING SILICON
SINGLE CRYSTAL

Art Unit: 1722

Examiner: M. A. Anderson

**REQUEST FOR REFUND (IMPROPER CHARGE
OF DEPOSIT ACCOUNT) (37 C.F.R. § 1.26)**

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Alexandria, VA 22313-1450, on
October 5, 2006

Date of Deposit

John P. Schenacher, Reg. No. 23,009

Name

Signature

10/05/06
Date

Dear Sir:

1. This is a request for a refund, with respect to the charge to Deposit Account 50-1314, shown on the statement dated September 8, 2006, for the above-referenced application/patent. A copy of the statement, in which the error referred to occurs, accompanies this request.

2. FEES CHARGED FOR WHICH
REFUND REQUESTED:

- ☐ Filing Fee
- ☐ Surcharge
- ☒ Extension of time for response
- ☐ Excess claims
- ☐ Issue fee
- ☐ Petition fee
- ☐ Maintenance fee __ year
- ☐ Maintenance fee surcharge

AMOUNT OF
REFUND REQUESTED:

\$450.00

BEST AVAILABLE COPY

3. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR:

On August 25, 2006 Applicants filed a Response to Advisory Action concurrently with a 2-month extension of time thereby requesting the USPTO to charge Deposit Account No. 50-1314 in the amount of \$450. As per Applicants' request this was accurately applied. However, on August 28, 2006 the exact same charge was once again processed in the same amount.

4. MANNER OF REFUND:

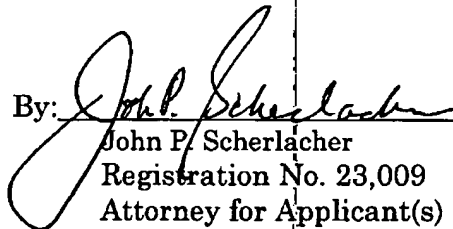
Please make refund by crediting Deposit Account number 50-1314.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

Date: September 28, 200

By:


John P. Scherlach
Registration No. 23,009
Attorney for Applicant(s)

1999 Avenue of the Stars, Suite 1400
Los Angeles, California 90067
Phone: 310-785-4600
Fax: 310-785-4601

COPY

S.N. 10/695,609 File No. 81839.0142

Date Mailed

08/25/06 By: JPS/rm

Title:

SILICON SEED CRYSTAL AND METHOD FOR PRODUCING SILICON...(Client Name) YoshimiyaThe Following, due 09/16/06 in the U.S. Patent & Trademark Office
was received in the Patent & Trademark Office on the date stamped hereon:

VIA FACSIMILE & MAIL

☒ Response To Advisory Action☒ Letter of Transmittal☒ Request for Extension of Time, 2 months

EXTENSION FEE TO BE PAID BY DEPOSIT ACCOUNT

No. 50-1314

#233614v1 - pcd81839.0142

Check No. _____ for \$ _____

S.N. 10/695,609 File No. 81839.0142

Date Mailed

08/25/06 By: JPS/rm

Title:

SILICON SEED CRYSTAL AND METHOD FOR PRODUCING SILICON...(Client Name) YoshimiyaThe Following, due 09/16/06 in the U.S. Patent & Trademark Office
was received in the Patent & Trademark Office on the date stamped hereon:

VIA FACSIMILE & MAIL

☒ Response To Advisory Action☒ Letter of Transmittal☒ Request for Extension of Time, 2 months

EXTENSION FEE TO BE PAID BY DEPOSIT ACCOUNT

No. 50-1314

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PATENT
81839.0142

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Eiichi IINO, et al.

Serial No: 10/695,609

Filed: October 28, 2003

For: SILICON SEED CRYSTAL AND
METHOD FOR PRODUCING
SILICON SINGLE CRYSTAL

Art Unit: 1722

Examiner: M. A. Anderson

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Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450, on

August 25, 2006

Date of Deposit

John P. Scherlacher, Reg. No. 23,009

Name

John P. Scherlacher 08/25/06

Signature

Date

PETITION FOR EXTENSION OF TIME

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

I hereby certify that this paper and every paper referred to herein is being transmitted via facsimile to recipient at 571) 273-8300 on:

August 25, 2006

Date of Facsimile Transmission

John P. Scherlacher, Reg. No. 23,009

Name

John P. Scherlacher 08/25/06

Signature

Date

Dear Sir:

In accordance with 37 C.F.R. 1.136, Applicant respectfully petitions the Commissioner for a two-month extension of time extending to September 19, 2006, the period for response to the Advisory Action dated August 2, 2006. Please charge the fee of \$450 for this extension to Deposit Account No. 50-1314. The responsive paper(s) are attached.

Please charge any insufficiency or credit any overpayment to Deposit Account No. 50-1314. A copy of this petition is enclosed.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

Date: August 25, 2006

By:

John P. Scherlacher

Registration No. 23,009

Attorney for Applicant(s)

500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Phone: 213-337-6700
Fax: 213-337-6701

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Eiichi IINO, et al.

Serial No: 10/695,609

Filed: October 28, 2003

For: SILICON SEED CRYSTAL AND METHOD FOR
PRODUCING SILICON SINGLE CRYSTAL

Art Unit: 1722

Examiner: M. A. Anderson

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

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John P. Scherfacher, Reg. No. 23,009

Name

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Alexandria, VA 22313-1450, on
August 25, 2006

Date of Deposit

John P. Scherfacher, Reg. No. 23,009

Name

John P. Scherfacher 08/25/06

Signature

Date

Transmitted herewith is an amendment in the above-identified application.

- ☐ Small entity status has been claimed. See 37 CFR § 1.27.
- ☐ A Notice Of Change Of Attorney's Address and Associate Power Of Attorney is enclosed.
- ☐ No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	4	-20	20	0	LG=\$50 SM=\$25	\$ 0
INDEPENDENT CLAIMS FEE	4	-3	4	0	LG=\$200 SM=\$100	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$380 SMALL ENTITY FEE = \$180	\$ 0
ADDITIONAL SIZE FEE (IF ANY) (TOTAL PAGES OF SPEC AND DRAWINGS TOGETHER)					\$250 FOR EACH ADDITIONAL 50 SHEETS	\$ 0
TOTAL						\$ 0

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☐ A check in the amount of \$-0- to cover the additional claims fee is enclosed. A copy of this sheet is enclosed.
- ☒ A check in the amount of \$450.00 to cover the extension fee is enclosed. A copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 150-1314. A copy of this sheet is enclosed.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
HOGAN & HARTSON L.L.P.

By:

John P. Scherfacher
Registration No. 23,009
Attorney for Applicant(s)

Date: August 25, 2006

Biltmore Tower
500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Telephone: 213 337-6700
Facsimile: 213 337-6701

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Appl. No. 10/695,609
Amdt. Dated August 25, 2006
Reply to Office Advisory Action of August 2, 2006

Attorney Docket No. 81839.0142
Customer No. 26021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Eiichi IINO, et al.

Serial No.: 10/695,609

Confirmation No.: 6295

Filed: October 28, 2003

For: SILICON SEED CRYSTAL AND
METHOD FOR PRODUCING SILICON
SINGLE CRYSTAL

Art Unit: 1722

Examiner: Matthew J. Song

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August 25, 2006

Date of Deposit

John P. Scherfacher, Reg. No. 23,009

Name

Signature Date 08/25/06

Signature

Date

RESPONSE TO ADVISORY ACTION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

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Date of Facsimile Transmission

John P. Scherfacher, Reg. No. 23,009

Name

Signature Date 08/25/06

Signature

Date

In response to the Advisory Action mailed on August 2, 2006 in connection with the above-identified application, Applicants offer the following comments and respectfully request reconsideration of the continued rejection of claims 12 and 13:

The Claims are reflected in the Listing of Claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.

COPY

Appl. No. 10/695,609
Amdt. Dated August 25, 2006
Reply to Office Advisory Action of August 2, 2006

Attorney Docket No. 81839.0142
Customer No. 26021

Listing of Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1-9. (Canceled).

10. (Previously Presented): A method for producing a silicon single crystal by the Czochralski method, comprising the steps of using a silicon seed crystal wherein oxygen concentration in the seed crystal is 12ppma (JEIDA) or less, bringing a tip end of the seed crystal into contact with a silicon melt to melt the tip end of the seed crystal, performing necking operation, and growing a silicon single crystal.

11. (Previously Presented): A method for producing a silicon single crystal by the Czochralski method, comprising the steps of using a silicon seed crystal which does not have a straight body portion but has a body shape selected from the group consisting of a cone shape, a pyramid shape, a cone shape whose side face is formed with a curved surface, a combined truncated cone and pyramid shape, and a combined truncated pyramid and cone shape, bringing a tip end of the seed crystal into contact with a silicon melt to melt the tip end of the seed crystal, performing necking operation, and growing a silicon single crystal.

12. (Previously Presented): A method for producing a silicon single crystal by the Czochralski method, comprising the steps of using a silicon seed crystal wherein oxygen concentration in the seed crystal is 12ppma (JEIDA) or less, bringing a tip end of the seed crystal into contact with a silicon melt to melt the tip end of the seed crystal, and growing a silicon single crystal without performing necking operation.

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Appl. No. 10/695,609

Amdt. Dated August 25, 2006

Reply to Office Advisory Action of August 2, 2006

Attorney Docket No. 81839.0142

Customer No. 26021

13. (Previously Presented): A method for producing a silicon single crystal by the Czochralski method, comprising the steps of using a silicon seed crystal which does not have a straight body portion but has a body shape selected from the group consisting of a cone shape, a pyramid shape, a cone shape whose side face is formed with a curved surface, a combined truncated cone and pyramid shape, and a combined truncated pyramid and cone shape, bringing a tip end of the seed crystal into contact with a silicon melt to melt the tip end of the seed crystal, and growing a silicon single crystal without performing necking operation.

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Appl. No. 10/695,609
Amdt. Dated August 25, 2006
Reply to Office Advisory Action of August 2, 2006

Attorney Docket No. 81839.0142
Customer No. 26021

REMARKS/ARGUMENTS

Claims 10-13 are pending in the Application. This paper is being filed in response to the Advisory Action of August 2, 2006 which indicates that Applicants' Response To Final Office Action filed on July 12, 2006 overcomes the prior rejection of claims 10 and 11 but not the rejection of claims 12 and 13. No new matter is involved.

On page 2 of the Advisory Action of August 2, 2006, the rejection of claims 12 and 13 on prior art is maintained. Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe '822 in view of Wolf. Claim 13 stands rejected under 35 U.S.C. § 102(e) as being unpatentable over Abe '822.

In continuing the rejection of claims 12 and 13 on these grounds, page 2 of the Advisory Action states that claim 13 merely requires using a seed crystal which does not have a straight body portion but has a body shape selected from a cone shape or a pyramid shape. Abe is said to clearly teach a seed crystal with a body shape comprising a conical shape or a pyramidal shape, with reference being made to lines 60-65 of col. 8 thereof. Claim 13 is further said to use "comprising" language so as not to be limited to seed crystals with only cone or pyramid shapes. Lastly, it is stated on page 2 that Abe teaches a seed crystal which does not have a straight portion (i.e. the conical or pyramid portions) so that it meets the claimed limitations.

In reviewing the continued rejection of claims 12 and 13 on the grounds described above, Applicants believe that reference to "a straight body portion" is being misconstrued. For example, allowed claims 10 and 11 both contain the recitation "performing necking operation". Yet rejected claims 12 and 13 differ from allowable claims 10 and 11 only in reciting "without performing necking operation". The method set forth in each of claims 10-13 uses the same seed crystal. However,

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Appl. No. 10/695,609
Amdt. Dated August 25, 2006
Reply to Office Advisory Action of August 2, 2006

Attorney Docket No. 81839.0142
Customer No. 26021

only claims 12 and 13 are rejected because Abe is said to disclose the seed crystal. Claims 10 and 11 are allowed even though the same seed crystal is used therein as in the case of claims 12 and 13. Moreover, coverage of the seed crystal has been allowed in the parent application as pointed out in the Response To Final Office Action of July 12, 2006.

Consequently, the rejection of claims 12 and 13 and the indication that claims 10 and 11 are allowable are contradictory and also contradict the allowance of claims to the seed crystal in the parent application. Again, and as previously pointed out by Applicants, claim 1 of U.S. Patent 6,670,036 which is the parent of this divisional application recites "A silicon seed crystal which is composed of silicon single crystal and used for the Czochralski method, or in oxygen concentration in the seed crystal is 12ppma (JEIDA) or less".

Thus, the continued rejection of claims 12 and 13 is improper for the reasons set forth above and is inconsistent with the allowance of very similar claims 10 and 11, as discussed above.

Reconsideration and allowance of claims 12 and 13 along with claims 10 and 11 is respectfully requested.

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Appl. No. 10/695,609
Amdt. Dated August 25, 2006
Reply to Office Advisory Action of August 2, 2006

Attorney Docket No. 81839.0142
Customer No. 26021

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: August 25, 2006

By: 

John P. Scherlacher
Registration No. 23,009
Attorney for Applicant(s)

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Los Angeles, California 90071
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Date : Aug-25 15:15
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Los Angeles, CA 90071
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Date: August 25, 2006
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MESSAGE:

RE: U.S. Patent Application Serial No. 10/695,609 filed October 25, 2003
Applicant: Etsuji IINO, et al.; For: SILICON SEED CRYSTAL AND METHOD FOR PRODUCING
SILICON SINGLE CRYSTAL

-- John P. Scherlachner, Reg. No. 23,009
Direct Phone No. (213) 337-6846

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12 (including cover page)

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08/22 1009 10946668	81790.0327	1806	\$180.00	\$62,666.00
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08/29 881 09934870	83357.0001	1501	\$1,400.00	\$30,349.00
08/29 882 09934870	83357.0001	1504	\$300.00	\$30,049.00
08/29 1092 09573915	81800-0123	1811	\$100.00	\$29,949.00
08/29 1718 09063978	45D-1750(641	1501	\$1,400.00	\$28,549.00
08/29 1719 09063978	45D-1750(641	1504	\$300.00	\$28,249.00
08/30 2 60796811	89188.0152	2052	\$25.00	\$28,224.00
08/30 119 09947276	83300.0004	1251	\$120.00	\$28,104.00
08/31 1 11331882	427600600	1201	\$200.00	\$27,904.00
08/31 48 11468492	81752.0198	8021	\$40.00	\$27,864.00
08/31 182 11468492	81752.0198	1011	\$300.00	\$27,564.00
08/31 183 11468492	81752.0198	1111	\$500.00	\$27,064.00
08/31 184 11468492	81752.0198	1311	\$200.00	\$26,864.00
08/31 539 10228814	81710.0223	1801	\$790.00	\$26,074.00



IFW #
PATENT
81839.0142

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Eiichi IINO, et al.

Serial No: 10/695,609

Filed: October 28, 2003

For: **SILICON SEED CRYSTAL AND
METHOD FOR PRODUCING
SILICON SINGLE CRYSTAL**

Art Unit: 1722

Examiner: M. A. Anderson

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Name

John P. Scherlacher 08/25/06
Signature Date

PETITION FOR EXTENSION OF TIME

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Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that this paper and every paper referred to herein is being transmitted via facsimile to recipient at 571) 273-8300 on:

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John P. Scherlacher, Reg. No. 23,009

Name

John P. Scherlacher 08/25/06
Signature Date

In accordance with 37 C.F.R. 1.136, Applicant respectfully petitions the Commissioner for a two-month extension of time extending to September 19, 2006, the period for response to the Advisory Action dated August 2, 2006. Please charge the fee of \$450 for this extension to Deposit Account No. 50-1314. The responsive paper(s) are attached.

Please charge any insufficiency or credit any overpayment to Deposit Account No. 50-1314. A copy of this petition is enclosed.

08/29/2006 MWLD06E1 00000001 501314 10695609

01 FC:1252 450.00 DA

Respectfully submitted,

HOGAN & HARTSON L.L.P.

By:

John P. Scherlacher
John P. Scherlacher
Registration No. 23,009
Attorney for Applicant(s)

Date: August 25, 2006

500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Phone: 213-337-6700
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